

**MINUTES OF THE MEETING  
OF THE  
BOARD OF ZONING ADJUSTMENT**  
Tuesday October 14, 2014

The Board of Zoning Adjustment held its regular meeting on Tuesday, October 14, 2014, in the Council Chambers on the 26<sup>th</sup> Floor of City Hall and the following members were:

**PRESENT:**

Mr. Mike Keleher	Vice Chair
Mr. Richard Osborn	Member
Mr. Quinton Lucas	Member
Mr. Coby Crowl	Member, Alternate 2
Mr. Tony Bonuchi	Member, Alternate 3

**ABSENT:**

Ms. Theresa Otto	Chair
Mr. Tom Stiller	Member
Mr. Mark Ebbitts	Member, Alternate 1

**ALSO PRESENT:**

Ms. Diane Binckley	Assistant Secretary
Ms. Ashley Winchell	Staff
Mr. Justin Peterson	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Sarah Baxter	Law Department
Mr. Tim Brookhauser	Development Services
Mr. Syrus Kalantar	Development Services
Mr. John Bowen	Court Reporter

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All staff reports, photographic slides, video and files are hereby made a part of these minutes.

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The meeting was called to order at 12:51 p.m., by swearing in staff members and others who desired to testify at the hearing.

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**CASE NO:** 14508-A (4416 Summit St)  
14508-A-1 (4422 Summit St)

**APPLICANT:** Westport Today of Kansas City, LLC  
4225 Baltimore Ave  
Kansas City, MO 64111

**AGENT/CONTACT:** Patricia R. Jensen  
White Goss  
4510 Belleview Avenue, Suite 300  
Kansas City, MO 64111

**AFFIDAVIT:** Not required

**LOCATION:** 4416 Summit St  
4422 Summit St

**AREA:** 15,650 SF

**ZONING:** R-1.5

**REQUEST:** **Case No. 14508-A – 4416 Summit Street** – To consider a request for a variance to the minimum required lot area for a multifamily building, to the maximum allowed area of a garage, and to the minimum required side yard setback, to allow an existing apartment building and two garages to remain, plus any other necessary variances.

**Case No. 14508-A-1 – 4422 Summit Street** – To consider a request for a variance to the minimum required number of parking spaces, to the minimum required side yard setback, and to the minimum required rear yard setback, to allow an existing single family home to remain, plus any other necessary variances.

Mr. Keleher swore in Patricia Jensen; she had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13 and Exhibit #14, a letter in support; they were admitted; Mr. Keleher asked if there was anyone in the audience there on the matter; there was no other interested party present. There was also an Exhibit #15.

Ms. Jensen stated it was their exhibit and a copy of the minor subdivision plat; there were a number of pieces that had to be approved by the City before they could split those two lots into two legal lots and sell the single family home to the buyers.

Mr. Keleher admitted Exhibit #15.

Ms. Ashley Winchell, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13 and video, Exhibit 10.

Mr. Keleher asked Ms. Jensen to explain why the Board should grant those requests.

Mr. Jensen answered that in essence was a simple request; what they were doing was creating a lot line to separate out the parcel where it had been combined; but it got complicated to learn all the documentation needed to take place in order to legally create that line. They had to do 3 things in order to create the line; one, was a minor subdivision application which had been approved by staff subject to certain conditions and revisions to the minor subdivision plat which they had done and were getting back to them; second, was the variances needed for the minor subdivision plat; and the third was a Code modification request dealing with building code and the location of the property line; that code modification request had also been approved by staff. They had completed all of those pieces and the Board was the final piece; as she explained, the buyers were in the audience; they had a sales contract that should be closing by the end of October and all this did was put the home back into single-family home ownership; it had been rented in the past although it had been vacant now that they were redeveloping it; there was nothing that was changing on the exterior of the property all of the variances needed was because there were a number of non-conforming setbacks regarding the existing parcel.

Mr. Osborn stated he noticed in the staff report on page 2, it mentioned that the property was separated in 2008 and was combined, what was the rationale on that.

Ms. Jensen answered she could not figure out why it was combined; she could say that in March of 2014 when Susan first inquired about what policies needed to be followed; in March the City's record showed it being two separate parcels; whether the City's records took a while to catch up with the County's, she didn't know. In May, after further inquiries, the City's records showed it combined; Westport owned both of the parcels and they were combined for some reason. Regardless, they would need a minor subdivision plat and some variances because the way the tax parcels were shown the line went all the way back to the back property line and they would have to create where the 3-unit parking was and get that put on so they would have to modify it in some form.

Mr. Crowl asked if she could repeat what necessitated all of it again; what started the process.

Ms. Jensen responded they were rehabilitating a house and wanting to put it into single-family home ownership; they had to create a separate legal parcel for the house apart from the apartment building.

Mr. Crowl the variance for the parking for the house; where was that going to be.

Ms. Jensen stated it would be out on the street as a number of houses in that area were out in the street. Regardless, they had to have one parking space variance because there were only 12 parking spaces back there and the 12 were used for the apartment building and the one was needed for the single-family home. They were not changing the circumstances that existed; there were 13 units and 12 parking spaces.

Mr. Osborn moved and Mr. Lucas seconded to **APPROVE THE FOLLOWING:**

- A. A variance to the minimum required lot area for 12 units in an R-1.5 district in the amount of 5,172 square feet, to establish the lot area of an apartment building after a lot split.
- B. A variance to the maximum allowed combined footprint area of all detached accessory structures in the rear yard in the amount of 401.29 square feet, to establish the footprint area of two detached garages after a lot split.
- C. A variance to the minimum required setback of an accessory structure in a residential district in the amount of 1.5 feet, to establish the setback of a garage after a lot split.
- D. A variance to the minimum required side yard setback of a principal structure in a residential district in the amount of .78 feet, to establish the setback of an existing apartment building.

Motion carried 4-1

Voting in support:	Keleher, Osborn, Lucas, and Ebbitts
Voting in opposition:	Crowl
Absent:	Otto, Stiller, Ebbitts

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**CASE NO:** 12472-A-1

**APPLICANT/PROPERTY  
OWNER:**

Billy R. Walker  
6515 E 53<sup>rd</sup> Street  
Kansas City, MO 64129

**AFFIDAVIT:** Not required

**LOCATION:** 6515 E 53<sup>rd</sup> Street

**AREA:** 2.753 acres

**ZONING:** R-7.5

**REQUEST:** to consider a request for a variance to the maximum allowed area of an accessory structure, to allow several existing accessory structures to remain, plus any other necessary variances.

Mr. Keleher swore in Mr. Billy Walker; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted; Ms. Otto asked if there was anyone interested parties in the audience; there were no other interested parties present.

Ms. Ashley Winchell, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13 and video, Exhibit 10.

Mr. Keleher asked to see the video again and asked her to state which structures each of those variances (7 of them) applied.

Ms. Winchell pulled up the video and walked the Commission through each building and what variances were needed.

Mr. Keleher asked about a particular shed and its applicable variances; and asked if it would be easier if the structure would be identified by A, B, etc. He thought he understood to the point of references E, F & G. He wanted her to state which structures did those apply?

Mr. Osborn asked in total how many variances were being requested, 8 or 9?

Ms. Winchell answered 7.

Mr. Keleher asked how long he had owned the property.

Mr. Walker answered a little over 15-years.

Mr. Keleher asked if he was the owner of the original application regarding the modular.

Mr. Walker answered yes.

Mr. Keleher asked, from Mr. Walker's point of view, why the Board should grant his request.

Mr. Walker stated he wanted to keep the property the way it was; he was in a rural area that was

land-locked and basically did not understand the requirements; it was his impression that everything was taken care of when he filed for the application at that time and never received a letter or anything stating what the outcome was; he went through all the proper steps, the City came out and inspected the foundation; the electrical, etc. everything was approved and signed off on so he figured it was good for always not that it was only temporary for two years; if he had understood that, he would never had put \$60,000 into a house that was just temporary; and when he explained it to everyone he was doing it for two reasons; he needed to get his parents out of the City where all the drugs and drug trafficking was going on and they understood that. As far as the sheds, he spent over \$5000 having surveys done on all of the property, and done everything the City asked him to do to be sure he would come into compliance. Where he was at now, he had a lot of money into the property; and that was why he was there to do what the City was asking and to come into compliance. And legally, he couldn't afford a lawyer; so he was taking the chance and he was there just asking that in some way guide him in which way he needed to go and in the other way tell him he could keep his property.

Mr. Keleher asked how the matter came to the attention of investigations.

Mr. Brookhauser answered they received complaints dealing with construction equipment that was being stored on the property; eventually, Mr. Walker had the construction equipment moved off the property and that led to finding the temporary buildings and the variances not being to Code.

Mr. Keleher said then there was no actual complaint about the accessory structures.

Mr. Brookhauser answered no.

Mr. Crowl asked if he was running a business there.

Mr. Walker stated no.

Mr. Lucas asked if the vehicles being stored on the property formerly connected to his construction business.

Mr. Walker stated that those vehicles seen on the video were recreational vehicles that he used; there were motorcycles and hot rod cars; he went to car shows and motorcycle shows and things like that; those were his personal vehicles; they were not generating any kinds of funds or money; everything he did there was strictly recreation only.

Mr. Osborn asked how many people resided the property.

Mr. Walker answered that his cousin lived in the house; 2 people.

Mr. Osborn asked how many of those structures were easily removable, if any.

Mr. Walker answered the open air carport would be; the completely enclosed one would not be.

Mr. Osborn stated then for example one of the carports if it were too close to a barn or garage it might be moved so it wouldn't create the need for a variance.

Mr. Walker responded yes.

Mr. Bonuchi moved and Mr. Lucas seconded to **APPROVE** a request for a variance to the maximum allowed area of an accessory structure, to allow several existing accessory structures to remain, plus any other necessary variances.

Motion failed 3-2- application **DENIED**.

Voting in support:	Keleher, Lucas, and Bonuchi
Voting in opposition:	Osborn, Crowl
Absent:	Otto, Stiller, Ebbitts

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**CASE NO:** 14507-A

**APPLICANT:** Steve Wilson  
4728 Holly LLC  
2100 W. 49<sup>th</sup> St.  
Westwood Hills, KS 66205

**PROPERTY OWNER:** 4728 Holly LLC  
2100 W. 49<sup>th</sup> St.  
Westwood Hills, KS 66205

**AFFIDAVIT:** Not Required

**LOCATION:** 4728 Holly St.

**AREA:** 3,528 sq. ft. (0.081 Acres)

**ZONING:** R-2.5

**REQUEST:** To consider a request for a variance:  
- To the minimum required rear yard setback of a principal structure, to allow for an addition, plus any other necessary variances.

Mr. Keleher swore in Mr. Steve Wilson; he had a chance to review the staff report and had no

objections to it or the Administrative Exhibits 1-13; they were admitted; Mr. Keleher asked if there was anyone interested parties in the audience; there was one in opposition.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13 and video, Exhibit 10.

Mr. Keleher asked Mr. Wilson why the Board should grant his request.

Mr. Wilson answered that the house at present had very little living area and the bedrooms were sufficient, but the living interior was very small; he wanted to expand as he showed as a proposed family room. In the video, all the structures to the north and south, thee setbacks were closer or exceed the required setback provisions of the area so he was not asking for anything that was particularly unusual along that block on the west or the east side. The size of the room proposed would make for a much more pleasant living condition.

Mr. Keleher asked what he would be using the room for.

Mr. Wilson answered a family room; right now it could be described as a “shotgun bungalow” which meant he could immediately see straight in and straight back to the back of the house; all the rooms were pretty narrow the house itself is at max, 22 feet wide.

Mr. Crawl asked if he had talked to any of his neighbors on any side about the addition.

Mr. Wilson stated yes; he talked to the people on the immediate north and immediate south side and they were excited about what he was doing to the property.

Mr. Lucas asked if he was planning in other upgrades to the home or was this the a single addition.

Mr. Wilson stated yes; to remodel the backroom and the kitchen and doing some cosmetic surgery to the rooms like adding crown, yes.

Mr. Keleher opened up the discussion to the public.

Mr. Daniel Barnhardt, 4720 Mercier; he had been down there before and he had the same basic argument; first, he noticed in the video and he went by today and looked at the property and there was a bunch of trash that looked like “tear-out” in the back of the building. It looked like the front window was boarded up; that was not the way the house had been so he was not sure what was happening, when he was on the City’s KIVA or the parcel viewer, he didn’t see a permit for what had already been started; it looked like that construction had already been started and he was going to ask did that not require a permit already what had already been done to it.



Mr. Syrus Kalantar, stated that he didn't know what was going on inside the house; there were some things that could be done without a permit and some things that needed to have a permit; until he knew what was going on he couldn't comment one way or the other.

Mr. Keleher stated in understanding those comments, the permits were not within the purview of the Board of Zoning Adjustment; did he have any comments directed at the variance request.

Mr. Barnhardt asked if it was an investment property; the name on the ownership was 4628 Mercier LLC; was it being an investment property to be turned.

Mr. Keleher stated that it was his understanding from the testimony given, the applicant resided in the house was that correct?

Mr. Wilson answered no sir it was a rental property prior to his purchasing it; and he thought it was a rental for a long time.

Mr. Barnhardt stated this was his concern; some of the property that had mentioned around that area where both the variances had been changed; he had not had an opportunity to look at it; but there were some individuals that had just built on the back ends but there was never any real permit to allow it; it was just that no one brought it to the Board's attention at that point on. He would say that two houses up from the north of the house, yes they had an addition and he contacted them on the addition and it was being built without permit and before they came in there around November 25<sup>th</sup>; he finally said there was something wrong, there all those additions going up and the area was becoming more crowded. The problem he had was that these lots were small; from what he could tell was a 35 foot wide lot; building bigger and bigger attachments, and asking for more variances it would get to the point, that he didn't have a problem with new construction; what he had a problem with was too much home being built on too small of a lot.

He had lived in the neighborhood for about 50 years; his mother lived in another home in the area and his brother did too. At the time, he was pleased with the layout; it had an overall flow; there wasn't something that just stuck out, it had evenness to it. The idea of the setback rules that the City had; there were reasons for them; to have order and consistency in the neighborhood, enough space between the various home owners and overall neighborhood attractiveness. When setbacks are allowed and then other setbacks, eventually there would be all of these different things.

Mr. Wilson stated he appreciated his comments; but he would want to reassure him he would keep with the neighborhood and it would not be an eye sore; the addition, itself, was an extension of the roof line so it would not be any taller than the original house.

Mr. Osborn moved and Mr. Lucas seconded the motion to **APPROVE THE FOLLOWING:**

- A variance to the minimum required rear yard setback of a principal structure, to allow for an addition.

Motion carried 5-0

Voting in support: Keleher, Osborn, Lucas, Crowl, Bonuchi

Voting in opposition: None

Absent: Otto, Stiller, Ebbitts

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**CASE NO:** 14493-A

**APPLICANT:** Janette Cano  
2046 Brighton  
Kansas City, MO 64127

**AFFIDAVIT:** Not required

**LOCATION:** 2046 Brighton

**AREA:** 5,164 SF

**ZONING:** B1-1

**REQUEST:** To consider a Special Exception to the maximum allowed height of a fence in the front yard of a residential property, to allow an existing fence to remain.

**(Quorum: Otto, Keleher, Osborn, Stiller, Lucas, Ebbitts; Also hearing testimony: Bonuchi)**

Mr. Keleher swore in Ms. Janet Cano; Mr. Keleher explained to applicant the full quorum from the previous hearing was not present; she could proceed with the four that were part of the quorum but would require a majority vote to grant her request; or she could continue until the next scheduled meeting for the full quorum.

Ms. Cano stated she would rather continue the matter to the next meeting date.

Mr. Keleher also clarified the Board's request for her to get a survey completed of her property prior to the next hearing.

Mr. Bonuchi moved and Mr. Osborn seconded the motion to **CONTINUE** this matter to the October 28, 2014 meeting date without fee (No Testimony – No Quorum set)

Motion carried 4-0

Voting in support:	Keleher, Osborn, Crowl, Bonuchi
Voting in opposition:	None
Recused:	Lucas
Absent:	Otto, Stiller, Ebbitts

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**CASE NO:** 6937-A-1

**APPLICANT:** Kelly and James Nance  
4100 E 185<sup>th</sup> St.  
Belton, MO 64012

**AFFIDAVIT:** Not Required

**LOCATION:** 10807 Hickman Mills Dr.

**AREA:** 42,961 sq.ft. (0.98 Acres)

**ZONING:** B3-2

**REQUEST:** To consider an appeal to the decision that a legal nonconforming outdoor advertising sign has been deemed abandoned and must be removed.

Mr. Keleher swore in Mr. James Nance; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; and they were admitted; there was one party in opposition.

Mr. Justin Peterson, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13.

Mr. Keleher asked Mr. Nance if he received the Notice that the City described in its staff report.

Mr. Nance stated he received a Notice on August 7<sup>th</sup> which was actually the violation.

Mr. Keleher asked if it gave him a certain time to comply.

Mr. Nance stated it did not at that point; it said the sign was non-conforming; at that point, he called the City inspector and spoke with him about the letter. He explained to him that a prior

notice had been set out in June; and that gave 30-days to fix the problem. That letter was not received; it was sent by regular mail and he never received a letter at his home.

Mr. Keleher stated but he did receive the letter on August 7<sup>th</sup>.

Mr. Nance stated yes.

Mr. Keleher added and the copy of that letter given to the Board gave him 30-days from the date of August 1<sup>st</sup> to correct the violation; he didn't see that?

Mr. Nance stated that was the letter he did not receive; he requested a copy of that letter from Mr. Coddington and he faxed him a copy of that letter.

Mr. Keleher asked when he attached the identification numbers.

Mr. Nance stated it was within a week of receiving the letter on August 7<sup>th</sup>.

Mr. Keleher asked if the City re-inspected the sign after the expiration of 30-days from the Notice being discussed.

Ms. Binckley stated that Michael Coddington was there today to testify to the investigation.

Mr. Keleher asked if he had any other comments that he would like to make to the Board before they considered additional evidence.

Mr. Nance stated that in his first conversation with Mr. Coddington, he told me, he called to find out why the sign was in violation, and he said because the registration numbers were not present on the sign and at that point, he asked him what did he have to do to get the sign registered and get the numbers on it. He informed him that Ad Trend was an advertising management company that was in charge; they had registered the numbers and he had spoken with them about getting the numbers on the board and he asked if the landlord/owner, which he was aware of the situation. It was his understanding Mr. Coddington was told he was aware of the situation, and that the advertising company was in contact with him about the numbers being put on the board; which was not the case. He was not aware that the numbers needed to be put on the board at all. Mr. Coddington also told him that he requested his personal contact information so he could contact him directly and he was given an e-mail address which was not mine it actually belonged to an employee of Ad-Trend and was given a phone number that was a phone number of him, but

he hadn't had that phone since 2004; why he was given that e-mail address and that phone number he did not know. He thought that given the circumstances it was just a breakdown in communication; he was not aware of the violation. If he had been aware, the numbers would have been on the board and saved a lot of time.

Mr. Keleher asked how long he had owned the sign.

Mr. Nance answered since the end of 2012.

Mr. Keleher and he said he had a management company that maintained the leases and leased the sign for him?

Mr. Nance answered yes.

Mr. Keleher asked if it was their job to maintain it.

Mr. Nance answered yes.

Mr. Keleher stated he had been given two exhibits; one was Exhibit #14 a letter from the Missouri Department of Transportation, dated September 4, 2014 addressed to him; was he asking it to be admitted for Board's consideration?

Mr. Nance answered yes; it was a valid permit through the Missouri Department of Transportation to prove the sign was not abandoned.

Mr. Keleher admitted Exhibit #14; there was also Exhibit #15 which was entitled "Non-Compete Agreement, 3-10-13, Ad Trend, Inc. was that his exhibit as well.

Mr. Nance answered yes.

Mr. Keleher asked if that document had his signature as landowner.

Mr. Nance answered yes.

Mr. Keleher asked and for what purpose was he seeking an admission of that exhibit.

Mr. Nance responded to show to that the management company was responsible for leasing the board and maintaining it.

Mr. Keleher admitted Exhibit #15. Were there any questions of the applicant?

Mr. Crowl asked if everything that was stated as a violation had been corrected.

Mr. Nance answered yes.

Mr. Keleher opened up the discussion to the public.

Mr. Michael Coddington, City Inspector for the City of Kansas City, Missouri; the initial field investigation showed that the sign was lacking clear identification numbers. The sign company and the applicant were mailed Notice; that inspection was done on June 23, 2014. At that time, he used the information as provided by the owner registration, the sign company responded quickly and said they would make sure it was given to the owner. They sent out a Notice of Violation for failure to maintain the sign and sent both the property owner and the sign company that notice on June 27<sup>th</sup> of the June 23<sup>rd</sup> violation date. From there, they granted a 30-day period of time to correct the issue; the owner of the sign company made it very clear that they were not responsible at all for the maintenance of the sign only to maintain the advertisement of the sign. At the end of the 30-days when he went out, there still wasn't an identification and proceeded with that it should be deemed abandoned. The sign company told him through email that they had been in contact with the owner and they knew they needed to get the numbers up. He called the number that was provided but no answer and no response from the owner at the time.

Mr. Keleher asked if he had any information that was inconsistent with the sign's owner's claim that he didn't receive the actual original Notice from the City.

Mr. Coddington stated that the notice they sent originally on June 27<sup>th</sup> was mailed to the same address as the Notice he received August 5<sup>th</sup> which he did acknowledge; they mailed it to the right address, he just didn't receive it.

Mr. Lucas asked if the June 27<sup>th</sup> letter was registered, certified or anything like.

Mr. Coddington answered they were not required to send it registered or certified.

Mr. Crowl asked if he had been back out since.

Mr. Coddington answered yes and they had been corrected.

Mr. Keleher asked if Mr. Nance had any additional comments.

Mr. Nance stated that he wasn't there to debate whether the sign was in violation or not because it was; as soon as he was notified he fixed the problem. Mr. Coddington had been more than helpful; in his opinion, a letter of that importance that actually involved a removing or dismantling of a structure should be sent certified, registered mail.

Mr. Terrance Nash was sworn in; he attended Southern Community Coalition and Center Planning and they were trying to eliminate billboards out in their area extensively. When they said they put those letters of identification on in August or September that was a year and 3 or 4 months late because they were supposed to have it done in April 2013. They had been playing a cat and mouse game with billboard companies in trying to report billboards that were blank and the advertising was shredded and things like that, at that location and many other locations there were no addresses. Then they had a big discussion and compromise that they would put identifying numbers so that they could call 3-1-1 to look on the billboard registry and tell them the address. The billboard had been blight and a thorn in the side of the community out there and he could say that on March 11, 2014 he called Michael Coddington about it because they couldn't find an address without the numbers. Their position was, rules needed to be followed; it was time to take billboards down if they didn't follow the rules. There was no error the way the process was done and the billboard needed to come down.

Mr. Keleher said there was a year and one month elapsed; what was that?

Mr. Nash answered that in December 2012 there was an agreement with the billboard companies that they would get a way to identify billboards; so the companies stated if they could do the maintenance on the billboards they would begin identifying them with numbers. Technically, in his opinion, those were structures and should have addresses on them. They had 90-days and then they extended that through June and then the City had to get it put together; in 2013 was the first deadline, but basically they had one year to put those on.

Mr. Keleher said he thought he had heard someone say that the sign was registered with the City; did that registration process involve an assignment of a number or identification number that went on the sign, how did the number get determined.

Mr. Nash answered that the billboard companies were allowed to put their own numbers on them because some people already had them on their signs like CVS and Lamar and they didn't want to go back and renumber them; so that was part of the compromise, they could leave the old numbers on, there wasn't any uniformity in them at all, some had 5 digits some had 4 digits; so it was up to them to put their numbers on it. Now the billboard company was saying they made the owner do it.

Mr. Lucas asked in his driving through or investigation was there any point where the billboard did not have advertising or had fallen into disrepair; he understood the numbers issue.

Mr. Nash answered yes, that was what first brought it to their attention in 2013; Southern Coalition sometimes met at old Baptiste Junior High and people driving down complained about what they were going to do about that billboard; it was a problem billboard.

Mr. Keleher asked Mr. Nance to respond if he wanted.

Mr. Nance stated they took ownership of the billboard late 2012 and it had had advertisement on it the whole time. It never had a shredded sign or a blank site it had always had some kind of advertisement on it. In the pictures there, they could see it had it on both sides and it was always in good shape; it wasn't an eye sore, as far as the lights being on at night, there wasn't any residential close to it; what the gentlemen was talking about it being a problem board he didn't know.

Mr. Osborn asked if he owned other billboards.

Mr. Nance answered he did not.

Mr. Lucas said and that he had mentioned that the numbers were now on the board; did he do that or did his maintenance/leasing company do it.

Mr. Nance answered he did.

Mr. Lucas asked the order was to remove the sign in 30-days; did that mean taking down the structure, what exactly was the process.



Mr. Coddington answered that essentially the remedies were to fix it or remove it; and when they said remove it, it meant the entire structure; once that 30-days had expired the illegal non-conformance would be deemed abandoned and would be required to remove it in 30-days.

Mr. Bonuchi asked what their goal there was; it seemed everyone agreed that one period of time they agreed that the numbers were not on it; now that they were on it, after the time period was there some limitation what they could do.

Ms. Binckley stated that it was a request for an appeal; for them to determine whether or not they acted in appropriately and sent the Notice in error.

Mr. Keleher asked if the 30-day Notice that was mailed was that also required by the Ordinance.

Ms. Binckley stated the Ordinance described the exact process to go through; if they wanted to read it was in their notebooks: 88-445-14.

Mr. Keleher stated that paragraph 7(a)(1) was the one that required the City must provide the written notice to the property owner; so the issue for the Board was whether or not the property owner got the Notice. So the point was there was no Right to Cure; there was not any opportunity given to the owner to cure the deficiency in the case of the sign. The registration itself did not require that the identification number be included in the registration.

Mr. Coddington stated that to complete the registration and to issue the permit it would be required the number.

Mr. Keleher asked who had filed the registration application in the case for the sign.

Mr. Coddington answered that the application was filed by Jim Bowen with Ad Trend for the applicant and the application itself list themselves as a responsible party.

Mr. Lucas moved and Mr. Crowl seconded to **UPHOLD** the Director of City Planning and Development's decision that the existing legal non-conforming outdoor advertising sign has been deemed abandoned.

Motion carried 4-1

Voting in support:	Keleher, Osborn, Lucas Crowl
Voting in opposition:	Bonuchi

Absent: Otto, Stiller, Ebbitts

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**RE:** a) **Case No. 9132-SU-11**  
b) **Case No. 12429-SU-1**

**APPLICANT/ AGENT:** Donald G. Miller  
DGM & Associates, P.C.  
1307 S. Prospect Street  
Kearney, MO 64060

**PROPERTY OWNER:** New Mark Care Properties, Inc.  
11221 N. Nashua Drive  
Kansas City, MO 64155

**LOCATION:** Generally located at the northeast and northwest corners of N.  
Nashua Drive and N. McGee Street.

**AREA:** a) 6.3 acres  
b) 0.60 acres

**REQUESTS:** a) **Case No. 9132-SU-11 – 11221 N. Nashua Drive** - About 6.3 acres generally located at the northwest corner of N. Nashua Drive and N. McGee Street, to consider approval of a special use permit in District R-7.5 (Residential 7.5) to allow for 24,000 square foot building addition to the existing skilled nursing facility.

b) **Case No. 12429-SU-1 – 11121 N. Nashua Drive** - About 0.6 acres generally located at the northeast corner of N. Nashua Drive and N. McGee Street, to consider approval of a special use permit in District R-7.5 (Residential 7.5) to allow for off-site parking lot to serve the existing skilled nursing facility.

Ms. Diane Binckley, Assistant Secretary, requested a continuance off docket without fee.

Mr. Lucas moved and Mr. Osborne seconded the motion to **CONTINUE** these matters **OFF DOCKET** without fee (Without testimony – No Required Quorum).

Motion carried 5-0

Voting in support: Keleher, Osborn, Lucas, Crawl, Bonuchi  
Voting in opposition: None  
Absent: Otto, Stiller, Ebbitts

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## **OTHER MATTERS**

Approval of the minutes for September 23, 2014.

Mr. Crowl moved and Mr. Lucas seconded the motion that the minutes for the meeting of September 23, 2014 be **APPROVED**.

Motion carried 5-0

Voting in support:	Keleher, Osborn, Lucas, Crowl, Bonuchi
Voting in opposition:	None
Absent:	Otto, Stiller, Ebbitts

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There being no further business, the meeting was adjourned at 3:20 p.m.

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Respectfully submitted,

Diane M. Binckley, AICP  
Assistant Secretary

APPROVED:

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Mike Keleher, Vice Chair